IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1334 OF 2007
IN
N.D.P.S.SPECIAL CASE NO.42 OF 2006

Kaisar Hussain Asad Ali Khan. ...Applicant.
Versus
1.Narcotic Control Bureau, &
2.The State of Maharashtra. ...Respondents.

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Mr.S.K.Dubey, counsel for the Applicant.
Mrs.U.V.Kejriwal, counsel for NCB -Respondent No.1.
Mr.K.V.Saste, APP, for the State-Respondent No.2.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 21st April, 2007.

P.C.:

1. Heard the learned Counsel for the Applicant, the learned Counsel for respondent No.1-NCB and the learned APP for the State.

2. The applicant is seeking bail on medical ground. the applicant is involved in a case under the NDPS Act. The medical report received from the prison show that the applicant has been advised coronary angiography.

3. It is the case of the applicant that he requires angiography. However, the applicant wants to be treated for the same in Harkisandas

Hospital, Mumbai.

4. Mrs.Kejriwal, the learned Counsel for Respondent No.1 as well as Mr.Saste, the learned APP for the State, state that there is no objection to the applicant undergoing angiography at Harkisandas Hospital, Mumbai, provided that the applicant is sent under escort to the said hospital.

5. In view of the above, in case the applicant wants to undergo angiography at Harkisandas Hospital, Mumbai, he be taken there under escort. After the angiography is complete and the Doctor discharges the applicant, the applicant be brought back to Arthur Road Central Prison, where he is lodged at present. The expenses of the escort as well as expenses in Harkisandas Hospital to be borne by the applicant.

6. The learned Counsel for the applicant undertakes to give advance notice in respect of the date when the test of the applicant has been fixed by Harkisandas Hospital. The police shall provide adequate escort to the applicant to enable him to be taken to Harkisandas Hospital, Mumbai on the said date for angiography and escort will

remain with the applicant till he is brought back to prison.

7. Application stands disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)